

1 ANNETTE P. CARNEGIE (CA SBN 118624)
2 (ACarnegie@mofo.com)
3 MORRISON & FOERSTER LLP
4 425 Market Street
5 San Francisco, California 94105-2482
6 Telephone: 415.268.7000
7 Facsimile: 415.268.7522

5 DEAN J. ZIPSER (CA SBN 94680)
(DZipser@mofo.com)
6 ADINA L. WITZLING (CA SBN 211719)
(AWitzling@mofo.com)
7 MORRISON & FOERSTER LLP
19900 MacArthur Blvd., 12th Floor
8 Irvine, California 92612-2445
Telephone: 949.251.7500
9 Facsimile: 949.251.0900

10 Attorneys for Defendant
11 TOSHIBA AMERICA INFORMATION SYSTEMS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SIMON, individually, and on behalf of all others similarly situated,

18 | Plaintiffs,

19 V.

20 TOSHIBA AMERICA, INC., a Delaware
corporation, and TOSHIBA AMERICA
21 INFORMATION SYSTEMS, INC., a
California corporation.

Defendants.

Case No. C07-06202 MHP

**JOINT STIPULATION TO
CONTINUE LITIGATION
DEADLINES; [PROPOSED]
ORDER THEREON**

Honorable Marilyn H. Patel
Courtroom 15

JOINT STIPULATION TO CONTINUE LITIGATION DEADLINES
C07-06202 EMC
oc-338451

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America
2 Information Systems, Inc. ("TAIS") are currently exploring the possibility of an
3 early resolution of this matter;

4 WHEREAS, consistent with those efforts, the parties have conducted an in-
5 person meeting and intend to continue those discussions over the next several
6 weeks;

7 WHEREAS, pursuant to Local Rule 6-1(a), the parties previously agreed that
8 the deadline for TAIS to file and serve its initial response to the First Amended
9 Complaint is March 17, 2008;

10 WHEREAS, given and to facilitate the parties' settlement efforts, the
11 parties desire to briefly stay the litigation activity in this case and further
12 continue TAIS's deadline to respond to the Complaint for approximately forty-
13 five (45) days;

14 WHEREAS, if the parties are able to make progress towards reaching an
15 early resolution of this action, they may seek to further extend the litigation
16 deadlines, subject to Court approval,

17 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
18 STIPULATED AND AGREED by and between plaintiff, on the one hand, and
19 TAIS, on the other hand, by and through their respective undersigned counsel, as
20 follows:

21 1. The deadline for TAIS to file and serve its initial response to the First
22 Amended Complaint shall be extended to and including May 1, 2008;

23 2. The date on which the Court will hold the Initial Case Management
24 Conference shall be continued to a date thereafter subject to the Court's
25 availability;

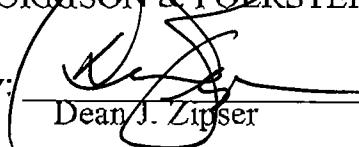
26 3. This Stipulation may be executed in counterparts, each of which shall
27 be deemed an original, but both of which, when taken together, shall constitute one
28 and the same instrument. Executed signature pages of this Stipulation transmitted

1 by facsimile shall be accepted by the parties hereto and the Court as though they
2 were original signature pages.

3

4 Dated: March 6, 2008

5 DEAN J. ZIPSER
6 ANNETTE P. CARNEGIE
7 ADINA L. WITZLING
8 MORRISON & FOERSTER LLP

9 By: 

10 Dean J. Zipser

11 Attorneys for defendant
12 Toshiba America Information
13 Systems, Inc.

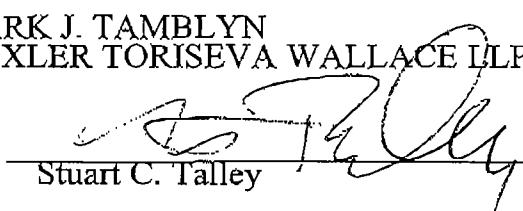
14

15 Dated: March 5, 2008

16 STUART C. TALLEY
17 KERSHAW, CUTTER & RATINOFF LLP

18

14 MARK J. TAMBLYN
15 WEXLER TORISEVA WALLACE LLP

16 By: 

17 Stuart C. Talley

18 Attorneys for Plaintiff
19 Michael Simon

20 2

JOINT STIPULATION TO CONTINUE LITIGATION DEADLINES
C07-01238 RMW
oc-338451

1

ORDER

2

3 Based on the foregoing stipulation of the parties and good cause appearing
4 therefor:

- 5 1. The deadline for TAIS to file and serve its initial response to the
6 Complaint shall be extended to and including May 1, 2008;
7 2. The Initial Case Management Conference shall be continued to a date
8 thereafter convenient to the Court. **JUNE 2, 2008 AT 4:00 P.M., with a joint case**
9 **management statement due one week prior to the conference.**

10

IT IS SO ORDERED.

11

12

Dated: 3/7, 2008

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

